

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIM. NO. 10-20403

HON. NANCY G. EDMUNDS

v.

D-1 KWAME M. KILPATRICK,
D-2 BOBBY W. FERGUSON,
D-3 BERNARD N. KILPATRICK,
D-4 VICTOR M. MERCADO, and
D-5 DERRICK A. MILLER,

Defendants.

FILED
JAN 10 2011
CLERK'S OFFICE
DETROIT

**STIPULATION AND ORDER REGARDING TRIAL DATE AND FINDINGS RE
EXCLUDABLE TIME UNDER THE SPEEDY TRIAL ACT**

IT IS HEREBY STIPULATED AND AGREED, by and between defendant Kwame M. Kilpatrick through his attorney James Thomas, defendant Bobby W. Ferguson through his attorney Gerald Evelyn, defendant Bernard N. Kilpatrick through his attorney John Shea, defendant Victor M. Mercado through his attorney Martin Crandall, defendant Derrick A. Miller through his attorney Leon Weiss, and the United States of America, through its attorney of record, that:

1. Defendant Kwame M. Kilpatrick made his initial appearance on the indictment on July 13, 2010;

2. Defendants Kwame M. Kilpatrick, Bobby W. Ferguson, Bernard N. Kilpatrick, Victor M. Mercado and Derrick A. Miller made their initial appearance on the First Superseding Indictment on January 10, 2011.

3. The court held a status conference with the parties on January 10, 2011, at which time the court discussed the case with the parties and set a subsequent status conference date of April 13, 2011;

4. Due to the nature of the prosecution, which follows a multi-year investigation by the FBI, IRS-CID, EPA-CID and United States Attorney's Office and includes, among other things, voluminous wiretap evidence and tape recorded conversations, thousands of pages of reports of witness interviews and financial records, numerous grand jury witnesses and hundreds of thousands of text messages, this case is so unusual and complex that it is unreasonable to expect adequate preparation for pretrial proceedings and the trial itself within the time limits established by the Speedy Trial Act;

5. Counsel for defendants must review all of the forthcoming discovery and effectively prepare for pretrial proceedings and trial, which cannot be accomplished within the time period of the Speedy Trial Act, taking into account the exercise of due diligence; and

6. The period from January 10, 2011, through April 13, 2011, inclusive, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), as a period of delay resulting from a continuance requested by counsel for defendants and counsel for the government. The ends of justice served outweigh the best interest of the public and the defendant in a speedy trial because the case is so unusual and complex due to the nature of the

prosecution that it is unreasonable to expect adequate preparation for pretrial proceedings and for trial within the time limits of the Speedy Trial Act, and to allow counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

SO STIPULATED:

DATED: January 10, 2011



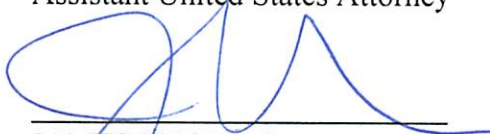
R. MICHAEL BULLOTTA
Assistant United States Attorney

DATED: January 10, 2011



MARK D. CHUTKOW
Assistant United States Attorney

DATED: January 10, 2011



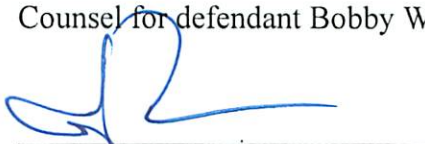
JAMES THOMAS
Counsel for defendant Kwame M. Kilpatrick

DATED: January 10, 2011



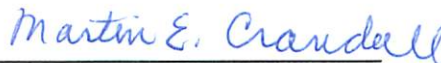
GERALD EVELYN
Counsel for defendant Bobby W. Ferguson

DATED: January 10, 2011



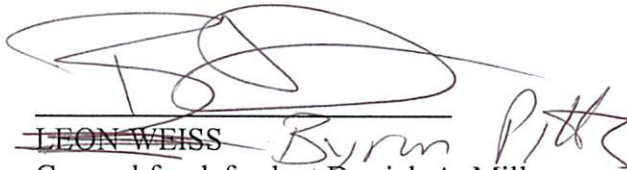
JOHN SHEA
Counsel for defendant Bernard N. Kilpatrick

DATED: January 10, 2011



MARTIN CRANDALL
Counsel for defendant Victor M. Mercado

DATED: January 10, 2011


~~LEON WEISS~~ Byron Pittz
Counsel for defendant Derrick A. Miller

SO ORDERED:

DATED: January 10, 2011



THE HONORABLE NANCY G. EDMUNDS
United States District Judge